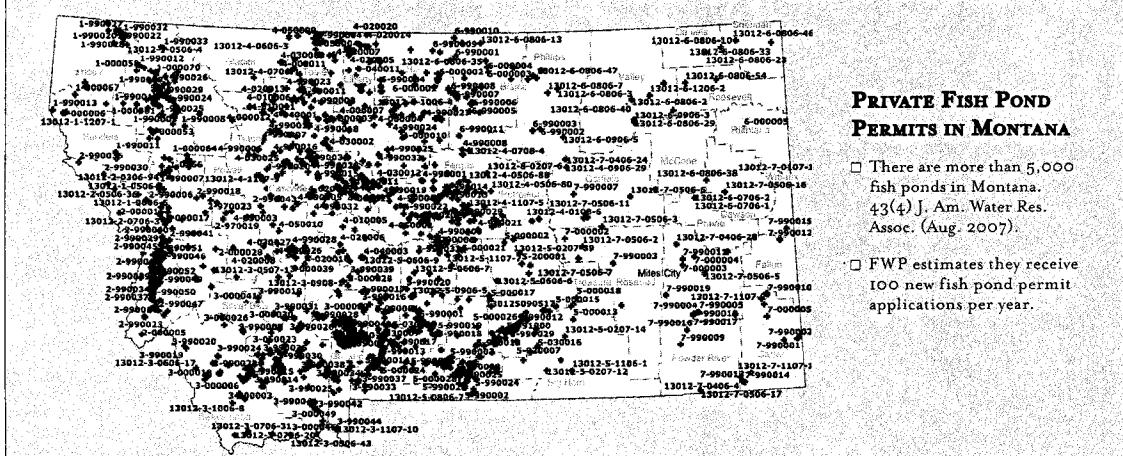


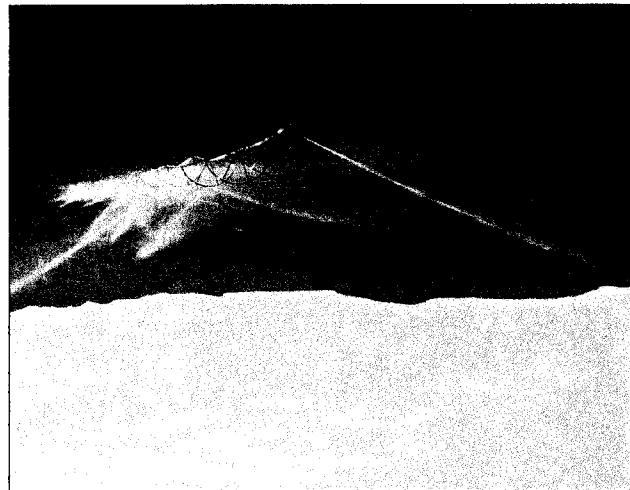
THE PROBLEM IS GROWING . . .



PRIVATE FISH POND PERMITS IN MONTANA

- There are more than 5,000 fish ponds in Montana.
- 43(4) J. Am. Water Res. Assoc. (Aug. 2007).
- FWP estimates they receive 100 new fish pond permit applications per year.

Photo by John Bridgeman



Hidden Costs of Unregulated Water Use
Private Fish Ponds

THEIR

Homeowners and developers who use "exempt" groundwater wells to fill fish ponds avoid Montana's water rights permit system, which requires a hard look at whether a new use harms existing water rights.

- Proposed legislation will close this loophole for fish ponds, and prohibit the use of exempt wells for filling fish ponds.
- This legislation will not apply to private stockwater ponds.

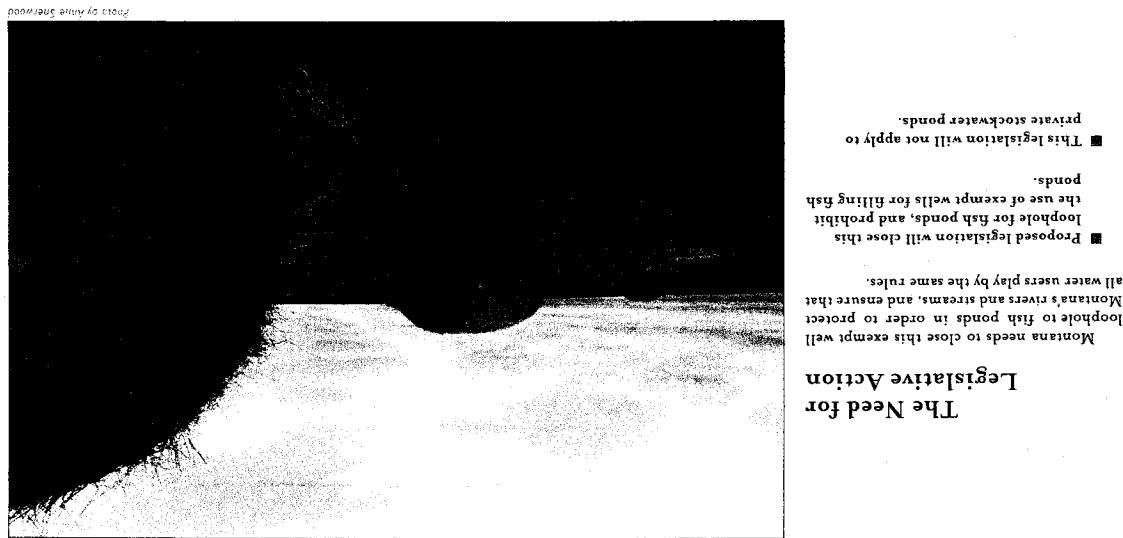


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FISH PONDS

WHOSE WATER?

Photo by Sara Budde



■ This legislation will not apply to private stockwater ponds.

■ Proposed legislation will close this loophole for fish ponds, and prohibit the use of exempt wells for filling fish ponds.

Montana needs to close this exempt well loophole to protect Montana's rivers and streams, and ensure that all water users play by the same rules.

The Need for Legislative Action



Photo courtesy of Wyoming Disease Foundation

Whirling Disease Foundation Photo
Dave Kullinen, Executive Director

"Conditions found in ponds have proven conducive to spread to trout living in rivers below them in creeks or outlets. Heavily infested juvenile trout will swim in circles or die. cannot feed or escape predators, and will eventually die in some Montana waters, whirling disease has caused as much as a 90% decline in trout populations."

■ Private ponds waste and deplete groundwater

■ Private ponds are sources of fish disease and pollution

■ Private ponds are sources of nuisance species

through FWP permits stocking fish ponds. species may start with fish from private ponds, even to have access to Montana's public waters, biologists have documented illegal introductions of fish documented either escape or are transported from the ponds. Of those hundreds of illegal introductions of fish documented in the last 10 years, they have been sources of whirling disease. Critically, they have been sources of whirling disease. They have also been sources of pollution and fish pathogens, including consumption water needed by wild trout. They have also been consumed by wild trout.



Photo courtesy of Clark Fork Coalition

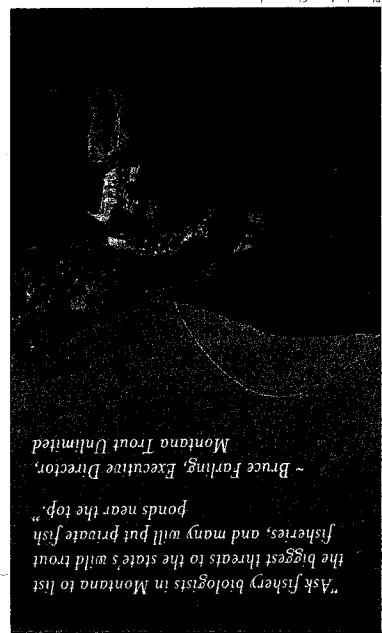


Photo by Anne Sharrow

■ Bruce Farling, Executive Director, Montana Trout Unlimited

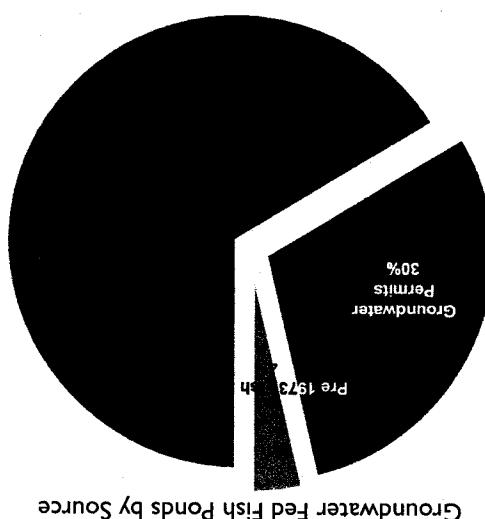
"As fishery biologists in Montana to list fish ponds near the top," fisheries, and many will put private fish

"the biggest threat to the state's wild trout

"private ponds will pollute the top

"fisheries, and many will pollute the top

Private Fish Ponds Put Public Fisheries at Risk



■ EXEMPT WELL. Exempt wells are those that produce up to 35 gallons-per-minute and less than 10 acre-feet of water. They are "exempt" from the permitting process under MCA § 85-2-306. Instead of "exempt" wells require only a one page application with no analysis of harm to other water users.

The use of exempt wells for filling fish ponds is a loophole that can harm legally established senior water users such as irrigated agriculture, municipalities and hydropower facilities.

Of those, the vast majority—66%—rely on exempt wells.

Third are filled by groundwater pumping.

Nearly 70% of all fish ponds in Montana are fed by surface water,

either by springs or diversions from streams. However, the remaining

groundwater-fed fish ponds often rely on groundwater wells.